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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,037	03/10/2004	Tsuyoshi Inoue	2004_0388A	2104
513 7590 02/15/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER ABEBE, DANIEL DEMELASH	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 02/15/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/796,037

Applicant(s)

INOUE ET AL.

Examiner

Daniel D. Abebe

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 is/are allowed.
- 6) ☒ Claim(s) 1-5, 22-26 and 31-34 is/are rejected.
- 7) ☒ Claim(s) 6-21 and 27-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5-25-04

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 22-26 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Houser (5,774,859).

As to claim 1, Houser teaches a system having speech interface for controlling a device such television and access to broadcast information where the broadcast information includes vocabulary data and

where the system includes a speech recognition dictionary/vocabulary generation module for creating templates to be used by the speech recognition from the vocabulary data broadcasted and a speech recognition module for performing the speech recognition of the voice input using the generated templates; and where the vocabulary data transmitted by the broadcast system with the corresponding electronic program guide data define commands which the user can speak to control the device as well access information transmitted to the device permitting the system to perform keyword recognition on new programs and wherein the transmitted vocabulary is configured to be different according to the user experience (Col.2, lines 30-45; Col.14, line 6—Col.15, line 5; Col.17, line 65-Col.18, line 10; Col.19, lines 45-60; Col.29, lines50-Col.30, line 20).

More specifically according to Houser

"The vocabulary data define words and commands which a user may speak to access information transmitted from information distribution center 12. This feature permits a user to perform tasks which would be very difficult to perform with a menu driven user interface. For example, this feature can be used to perform a keyword search of the titles of news articles transmitted from information distribution center 12 using a "SEARCH KEYWORDS" command. Specifically, **information distribution center 12 determines which individual words are to serve as the keywords and generates a phonemic or template "dictionary" which maps these keywords to phonemes or templates. Information distribution center 12 transmits the news articles and the dictionary to terminal unit 16 where they are stored in memory. For each keyword, terminal unit 16 generates the corresponding phonemic or template string using the dictionary. The string is then "registered" with the speech recognition algorithm as a single recognizable utterance, i.e, it becomes a** basic part of the speech recognition algorithm's vocabulary. The registration includes specifying an identifier for the phonemic or template string which could be a numerical value or the keyword itself. When the user then speaks the "SEARCH KEYWORDS" command, a display dedicated to this command is provided, for example, on a display device associated with terminal unit 16 or on a television connected to terminal unit 16. The user may then speak a command "ONLY KEYWORD" to limit the search by terminal unit 16 to news articles transmitted by information distribution center 12 having the spoken KEYWORD in the title. The user may then speak additional keywords to refine the search or may view the news articles having the spoken keyword in the title. It

can readily be seen that performing such a task using a conventional menu driven user interface would be extremely difficult. “

“If a user has frequently spoken a specific command, for example, "GOTO CHANNEL SIXTEEN" (ESPN perhaps) but has, in this case, apparently selected a less frequently accessed command, such as "GOTO CHANNEL SIXTY" (PBS perhaps), the more commonly spoken command may be implemented. In addition, if the recognition algorithm includes a speaker identification algorithm which can recognize a specific speaker's voice, this adaptive learning of recognition preferences may be tailored to each speaker” (Col.19, lines 45-60).

“In addition, the downloaded vocabulary will be affected by the scope of the downloaded EPG information. For example, if the subscriber has selected a priced option which provides for title-addressable program selection (e.g., "FIND STAR TREK"), then the vocabulary data for the programming period selected (1 to 14 days) will be downloaded with the EPG data. In general, when the user selects a priced option such as messaging, an expanded channel line-up, wide area network access, or an expanded EPG, the corresponding grammar and vocabulary are also downloaded to subscriber terminal unit” Col.22, lines 52-64).

As to claim 2, Houser teaches where the vocabularies are created based on attributes the key words (Fig.13).

As to claims 3-5, Houser teaches where the vocabulary is created according to the user experience and according to different contents where a user may be provided with the capability of searching on keywords (e.g., actors, rating, show type, year,

director, etc.) which could be marked in the text by highlighting and registered for speech recognition and corresponding database searches as well as where list of programs the user is viewing is displayed with key words being highlighted for speech command (Col.31, lines 42-45; Col.22, lines 52-64).

Claims 22-26 and 31-34 are analogous to the claims addressed above and are rejected by Houser for the foregoing reasons.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 33-34 are rejected under 101, because the claimed invention is directed to non-statutory subject matter. The claimed invention "program" not on a statutory "computer readable media" as claimed doesn't fall within the four categories of patent eligible subject matter (process, machine, manufacture or composition of matter).

***Allowable Subject Matter***

Claim 30 is allowed.

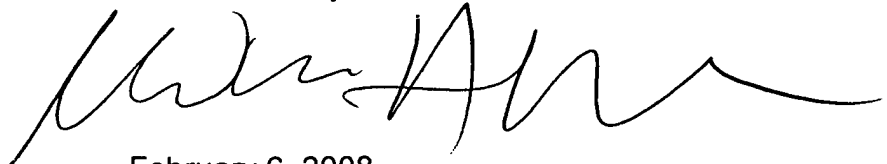
Claims 6-21 and 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 is allowable because Houser doesn't teach the dictionary creation apparatus comprising the different units as recited in the claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Abebe Primary Examiner A.U. 2626

A handwritten signature in black ink, appearing to read 'Daniel Abebe', with a long horizontal flourish extending to the right.

February 6, 2008